

Remarks/Arguments

Claims 1, 5 and 6 are pending in the present application.

Claims 1, 5 and 6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Duroyon (U.S. Pat. No. 4,437,209). Applicant respectfully traverses the rejection.

Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Duroyon. Claim 1 in part requires "decreasing the diameter of the natural casing with the sidewall of the conical shaped restrictor as the natural casing is being slidably moved towards the discharge end of the tube". Duroyon does not teach this limitation and instead teaches a casing 70 that is interposed between a sizing ring 60 and a sealing ring 63 carried in a holder 65 creating a desired hold back force to produce a product the desired stuffed size. (Col. 6, lines 57-64). Thus, the sealing ring 63 is specifically used to determine size of the casing 70 and not the sidewall of a conically shaped restrictor. Therefore, as Duroyon does not teach each and every limitation of claim 1, the Applicant respectfully requests that the rejection be withdrawn.

A similar argument to that above was made in the argument of the previous response to an office action and the Examiner has asserted that the sizing ring 63 is an integral part of the hollow conical portion holder 65 and thus the inner surface of the elements 65, 63 and 64 when considered broadly can constitute the sidewall of the hollow conical restrictor. (Office Action of October 19, 2005, page 3). Applicant disagrees with the Examiner's assertion. Specifically the sealing ring 63 and holder 65 are two different pieces wherein specifically the sealing ring 63 is carried in the holder 65. (Col. 6, lines 57-59). As shown in both Figs. 4 and 5, the holder 65 has an opening therein that the ring 63 is disposed within. Thus the ring 63 cannot be considered part of the sidewall of 65 as the ring 63 is a separate and non-integral

part of holder 65. Additionally even if the ring 63 was integral with the holder 65, the integral piece would be an L-shape having two separate surfaces, and the entire inner perimeter of the L could not be considered the same sidewall. Thus Applicant believes that the holder 65 and ring 63 combination does not teach decreasing the diameter of the natural casing with the sidewall of the conical shaped restrictor and instead teaches decreasing the casing with a ring that provides a separate surface that is not the sidewall of the conical shaped restrictor. Therefore Applicant respectfully requests the Examiner to reconsider his position and allow claim 1.

Claim 5 requires in part "a hollow conical shaped restrictor on the stuffing tube having a side wall with an exterior extending from a smaller diameter end adjacent the discharge end of the stuffing tube to a larger diameter end to decrease the diameter of the natural casing". (Emphasis added). Duroyon does not teach this limitation and instead teaches a holder 65 with a flat exterior surface. The holder 65 additionally has a tapered interior surface that holds a sealing ring 63 that is used to create a desired hold back force to produce a product of desired stuffing size. (Col. 6, lines 57-67). By having a claim limitation of a hollow conical shaped restrictor having a side wall with an exterior extending from a small diameter end to a large diameter end the claim specifically points out the shape of the restrictor and the idea that the restrictor is actually conically shaped. This is opposite to Duroyon that does not teach a side wall with an exterior that extends from a smaller diameter end to a larger diameter end and instead only teaches a tapering interior side wall that does not relate to the functioning of decreasing the diameter of a natural casing. Thus Duroyon does not teach a side wall with an exterior extending from a smaller diameter to a larger diameter and Applicant respectfully requests the Examiner

reconsider his rejection and allow claim 5. Claim 6 depends on claim 5 and for at least this reason is also considered in allowable form.

Conclusion

In view of the above amendments and remarks, Applicant believes that claims 1, 5 and 6 are in condition for allowance, and Applicant respectfully requests allowance of such claims. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 50-2098.

Respectfully submitted,



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